

Docket No.: 0010-1075-0 PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : :

Hirochi MATSUI, et al. : EXAMINER: FRONDA

SERIAL NO.: 09/462,472 : GROUP ART UNIT: 1652

FILED: JANUARY 14, 2000 : ALLOWED: OCTOBER 12, 2007

FOR: METHOD FOR PRODUCING PURINE NUCLEOSIDE BY FERMENTATION

PETITION TO WITHDRAW FROM ISSUE UNDER 37 CFR §1.313(c)(2)

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

Further to the Issue Fee paid on January 14, 2008, Petitioners respectfully request the Office to Withdraw the present allowed application from Issue under the provisions granted Petitioners by 37 CFR §1.313.

37 CFR §1.313(c) states:

"Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except: . . . .(2) Consideration of request for continued examination in compliance with §1.114; . . . ."

Concurrent with the present Petition, Applicants have filed a Request for Continued Examination in compliance with §1.114. A copy of the request for continued examination is attached for the convenience of the Petition's Office.

If prosecution of an application is closed and a Petition under 37 CFR §1.313 is granted, an applicant may request continued examination under 37 CFR §1.114 by filing a submission and a fee. Petitioners respectfully filed the appropriate fee set forth in 37 CFR §1.17(e)

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required by 37 CFR §1.114. Further, Petitioners respectfully filed an appropriate submission under 37 CFR §1.114(c).

37 CFR §1.114(c) states:

“A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability . . . .”

Petitioners have timely filed electronically **herewith** with the Request for Continued Examination, an Information Disclosure Statement, and a copy of all the cited references, which qualify as an appropriate submission as set forth in 37 CFR §1.114(c). Accordingly, Petitioners have timely filed a Request for Continued Examination in compliance with §1.114 as set forth above. In accordance with 37 C.F.R. § 1.17(h) the required fee for filing this 37 C.F.R. § 1.313 Petition is included herewith and, as such, Applicants have fulfilled the requirements for filing a Petition under 37 CFR §1.313.

It is requested that the Petition be GRANTED and the references cited on the concurrently filed Information Disclosure Statement be considered. Confirmation of the timely granting of this Petition is requested by facsimile to the undersigned at (703) 413-2220.

Respectfully submitted,

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